

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

08 UNITED STATES OF AMERICA,)
09 Plaintiff,) CASE NO. CR04-243-JLR
10 v.)
11 DEVIN JENNINGS,) SUMMARY REPORT OF U.S.
12 Defendant.) MAGISTRATE JUDGE AS TO
) ALLEGED VIOLATIONS
) OF SUPERVISED RELEASE

14 An evidentiary hearing on supervised release revocation in this case was scheduled
15 before me on October 19, 2012. The United States was represented by AUSA Andy Colasurdo
16 and the defendant by Michael Martin. The proceedings were digitally recorded.

17 Defendant had been sentenced on or about March 21, 2006 by the Honorable James L.
18 Robart on a charge of Felon in Possession of a Firearm (Count 1); Possession of Firearm with
19 Obliterated Serial Number (Count 2), and sentenced to 180 months custody, 5 years supervised
20 release on Count 1 and 60 months custody on Count 2, to run concurrently with the sentence
21 imposed on Count 1.

22 The conditions of supervised release included the standard conditions plus the

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01 requirements that defendant participate in drug testing and treatment, submit to search, provide
02 financial information as requested, not be self-employed or employed by friends, relatives,
03 associates or persons previously known to defendant without approval, not work for cash, and
04 have all employment approved. (Dkt. 112.)

05 On July 7, 2008, defendant was re-sentenced to 100 months on Count 1, 60 months on
06 Count 2 to run concurrently, 3 years supervised release. (Dkt. 141.)

07 On May 27, 2012, defendant's probation office reported that Defendant had tested
08 positive for cocaine. Defendant was reprimanded and referred for professional assessment. No
09 further action was taken at the time. (AR 142.)

10 In an application dated (Dkt. 143, 144), U.S. Probation Officer Andrew J. Lorenzen
11 alleged the following violations of the conditions of supervised release:

12 1. Using cocaine on or about August 7, 2012, in violation of a general condition of
13 supervision and standard condition number 7.

14 2. Committing the crime of Possession with Intent to Distribute Cocaine, on or
15 about August 16, 2012, in King County, WA, in violation of a general condition of supervision.

16 3. Committing the crime of Malicious Mischief 1st Degree, on or about August 16,
17 2012, in King County, WA, in violation of a general condition of supervision.

18 Defendant was advised in full as to those charges and as to his constitutional rights.

19 Defendant admitted violations 1 and 2 and waived any evidentiary hearing as to whether
20 they occurred. The government moved to dismiss alleged violation 3. (Dkt. 151.)

21 I therefore recommend the Court find defendant violated his supervised release as
22 alleged in violations 1 and 2, and that the Court conduct a hearing limited to the issue of

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01 disposition. I recommend the Court dismiss alleged violation 3. The next hearing will be set
02 before Judge Robart.

03 Pending a final determination by the Court, defendant has been detained.

04 DATED this 19th day of October, 2012.

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07 Mary Alice Theiler
United States Magistrate Judge

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10 cc: District Judge: Honorable James L. Robart
AUSA: Carl A. Colasurdo
11 Defendant's attorney: Michael G. Martin
Probation officer: Andrew J. Lorenzen
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